

STROOCK & STROOCK & LAVAN LLP

Kenneth Pasquale

Matthew G. Garofalo

180 Maiden Lane

New York, NY 10038-4982

Telephone: (212) 806-5400

Facsimile: (212) 806-6006

Attorneys for Walwilhal Associates, LLC

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

LEHMAN BROTHERS HOLDINGS INC., *et al.*,

Debtors.

)
) Chapter 11
)

) Case No. 08-13555 (JMP)
)

) (Jointly Administered)
)

**DECLARATION OF KENNETH PASQUALE IN SUPPORT OF MOTION
FOR ENTRY OF AN ORDER PURSUANT TO SECTION 362(d) OF THE
BANKRUPTCY CODE AND BANKRUPTCY RULE 4001 TO LIFT THE
AUTOMATIC STAY TO PERMIT WALWILHAL ASSOCIATES, LLC TO
PROSECUTE CERTAIN CAUSES OF ACTION IN STATE COURT**

KENNETH PASQUALE states the following under penalties of perjury:

1. I am a partner at the law firm of Stroock & Stroock & Lavan LLP, counsel to Walwilhal Associates, LLC ("Walwilhal"), admitted to practice law before the courts of the State of New York and the United States District Court for the Southern District of New York. I make this Declaration based upon my knowledge of the documents attached to this declaration.

2. Attached hereto at Exhibit A is a true and correct copy of the Affidavit of F. Robert Brusco, sworn to on October 12, 2009, and submitted in the foreclosure proceeding entitled Lehman Brothers Holdings Inc. v. 45 Broad, LLC, Kent M. Swig, et al, Index No. 100887/09 (N.Y. Sup. Ct., N.Y. Co.).

3. Attached hereto at Exhibit B are true and correct copies of Environmental Control Board Violation #34582245M and New York City Department of Buildings Violation #100207CSSTSCO1B, dated October 2, 2007 and Environmental Control Board Violation #34714977J and New York City Department of Buildings Violation # 111108CSSTMI01, dated November 11, 2008.

4. Attached hereto at Exhibit C is a true and correct copy of the Order Appointing a Receiver, dated November 17, 2009, entered in the foreclosure proceeding entitled Lehman Brothers Holdings Inc., 45 Broad, LLC, Kent M. Swig, et al, Index No. 100887/09 (N.Y. Sup. Ct., N.Y. Co.).

5. Attached hereto at Exhibit D is a true and correct copy of a letter, dated November 6, 2011, from Jacqueline Marcus at Weil, Gotshal and Manges LLP to Eva Talel and Dale J. Degenshein at Stroock & Stroock & Lavan LLP.

6. Attached hereto at Exhibit E is a true and correct copy of a letter, dated November 8, 2011, from Kenneth Pasquale at Stroock & Stroock & Lavan LLP to Jacqueline Marcus at Weil, Gotshal and Manges LLP.

I declare under the penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: New York, New York
November 22, 2011

STROOCK & STROOCK & LAVAN LLP

By: /s/ Kenneth Pasquale
Kenneth Pasquale

Kenneth Pasquale
Matthew G. Garofalo
180 Maiden Lane
New York, NY 10038-4982
Telephone: (212) 806-5400
Facsimile: (212) 806-6006

Attorneys for Walwilhal Associates, LLC